

If the party served is paid the necessary conduct money, he should attend at least, and then raise any objections he may have to the regularity of the proceedings. The plaintiff should now attend, at his own expense; and he can then object to such questions (if any) as he considers that he is not bound to answer. Motion against the counterclaim to stand meantime. The question being new, costs of the motion to be costs in the cause. C. A. Moss, for the defendants. Grayson Smith, for the plaintiff.

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VANHORN V. VERRAL—MASTER IN CHAMBERS—DEC. 7.

*Discovery—Examination of Defendant—Disclosing Name of Witness.*]—Motion by the plaintiff to compel the defendant to attend for re-examination for discovery and give further information. It was conceded that the defendant ought to get all possible information as to the facts of the case so as to enable him to answer relevant questions. It was contended, however, that he was not bound to give the name of the chauffeur in charge of his car when the admitted collision took place which led to the action. This was on the ground that the defendant would call him as a witness at the trial. The Master said that cases such as *Canavan v. Harris*, 8 O.W.R. 325, and *Southwell v. Shedden Forwarding Co.*, 2 O.W.N. 562, shewed that in this kind of action the character of the driver is a very material fact. In *Bray's Digest of the Law of Discovery* (1904), p. 16, sec. 63, it is said that a party under examination "need not discover the names of his witnesses unless their names form a substantial part of the material facts in the case." In this case the name of the chauffeur was certainly a material fact. The plaintiff should attend for re-examination without further payment, and make discovery on the points inquired into before. Costs of the motion to the plaintiff in the cause in any event. J. W. McCullough, for the plaintiff. W. G. Thurston, K.C., for the defendant.

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CORRECTION.

In *Stavert v. McMillan*, ante 267, the Court which heard the motion was composed of MOSS, C.J.O., GARROW, MACLAREN, and MAGEE, J.J.A.